

PATENT
ATTORNEY DOCKET
NO. 72978

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Li et al.
Application No.: 10/075,105
Filed: February 13, 2002
Title: Bi-Directional Dual Promoter Complex with
Enhanced Promoter Activity for Transgene Expression
in Eukaryotes
Group Art Unit: 1645
Examiner: Not Assigned

Confirmation No. 6947

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3/1/04

Date

James P. Krueger
Registration No. 35,234
Attorney for Applicant(s)

MAR 09 2004

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

Applicant respectfully petitions the Commissioner under 37 C.F.R. §1.181(a) to withdraw the Notice of Abandonment dated February 9, 2004 issued in the above-identified application.

Applicants received a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequences dated February 10, 2003. In response to the Notice, Applicant timely filed a Response and a Petition for a one-month extension of time on May 12, 2003. A copy of all materials as filed on May 12, 2003 is attached.

Applicant respectfully submits that a response to the office action was timely filed and that the Notice of Abandonment should be withdrawn. Applicant further submits that no petition fee is due, as the Notice of Abandonment was issued in error.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,
Fitch, Even, Tabin & Flannery

James P. Krueger
Registration No. 35,234

Date: March 1, 2004

FITCH, EVEN, TABIN & FLANNERY
120 S. LaSalle St., Suite 1600
Chicago, Illinois 60603
(312) 577-7000
336292

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): LI et al.
Appln No.: 10/075,105
Filed: February 13, 2002
For: A BI-DIRECTIONAL DUAL
PROMOTER COMPLEX WITH
ENHANCED PROMOTER
ACTIVITY FOR TRANSGENE
EXPRESSION IN EUKARYOTES
Group Art
Unit: 1645
Examiner: Not Yet Known

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: U.S. Patent and Trademark Office, Box Sequence. P.O. Box 2327, Arlington, VA 22202, on this date.

05/12/03

Date

James P. Krueger

Registration No. 35,234

Attorney for Applicant(s)

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

U.S. Patent and Trademark Office
Box Sequence
P.O. Box 2327
Arlington, VA 22202

DOCKETED

MAY 16 2003

BY:

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated February 10, 2003, enclosed are:

- ☒ A copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.
- ☒ A Statement Concerning Sequence Listing
- ☒ Computer readable Sequence Listing
- ☒ Petition for Extension of Time
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This sheet is filed in triplicate.

May 12, 2003

Date

James P. Krueger

Registration No. 35,234

FITCH, EVEN, TABIN & FLANNERY
Suite 1600
120 South LaSalle Street
Chicago, Illinois 60603-3406
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311920



UNITED STATES
PATENT AND
TRADEMARK OFFICE



Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/075,105	02/13/2002	Zhijian T. Li	72978

CONFIRMATION NO. 6947

22242
FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

FORMALITIES LETTER



OC000000009498917

MAR 09 2004

Date Mailed: 02/10/2003

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LI, et al.

Appln. No.: 10/075,105

Filed: February 13, 2002

Title: A BI-DIRECTIONAL DUAL PROMOTER
COMPLEX WITH ENHANCED
PROMOTER ACTIVITY FOR
TRANSGENE EXPRESSION IN
EUKARYOTES

Group
Art Unit: 1645

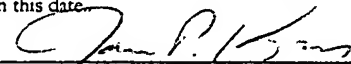
Examiner: Not Yet Known

CERTIFICATE OF MAILING

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the United States Postal Service as first class mail in an
envelope addressed to: U.S. Patent and Trademark
Office, Box Sequence. P.O. Box 2327, Arlington,
VA 22202, on this date

05/12/03

Date


James P. Krueger
Registration No. 35,234
Attorney for Applicant(s)

MAR 09 2004

D.G.
U.S. Patent and Trademark Office
Box Sequence
P.O. Box 2327
Arlington, VA 22202

STATEMENT CONCERNING SEQUENCE LISTING

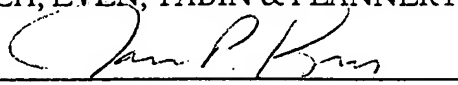
I, JAMES P. KRUEGER, declare that I personally prepared the paper and computer-readable copies of the Sequence Listing set forth in the above-identified case. The listed and computer-readable nucleotide and amino acid sequences are the same as set forth in the Specification of the above-referenced case.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By


James P. Krueger
Registration No. 35,234

Dated: May 12, 2003

FITCH, EVEN, TABIN & FLANNERY
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Chicago, Illinois 60603
Telephone: (312) 577-7000
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PATENT

Attorney Docket No. 72978

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Li et al.
Appln No.: 10/075,105
Filed: February 13, 2002
For: A BI-DIRECTIONAL DUAL
PROMOTER COMPLEX WITH
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ACTIVING FORTRANSGENE
EXPRESSION IN EUKARYOTES
Group Art
Unit: 1645
Examiner: Not Yet Known

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05/12/03
Date

James P. Krueger
Registration No. 35,234
Attorney for Applicant(s)

MAR 09 2004

PETITION FOR EXTENSION OF TIME

Applicant(s) hereby petition(s) under 37 CFR §1.136(a) for an extension of time for reply in the above-identified application for the period required to make the accompanying reply timely, or, if there be no accompanying reply, for the period for which the fee is indicated or the period necessary to prevent abandonment of the above-identified application if longer than the period for which the fee is indicated.

Extension fee for reply within first month:

☐ By a small entity (\$1.9(f)) \$ 55.00
☒ By other than a small entity \$ 110.00

Extension fee for reply within second month:

☐ By a small entity (\$1.9(f)) \$ 205.00
☐ By other than a small entity \$ 410.00

Extension fee for reply within third month:

☐ By a small entity (\$1.9(f)) \$ 465.00
☐ By other than a small entity \$ 930.00

Extension fee for reply within fourth month:

☐ By a small entity (\$1.9(f)) \$ 725.00
☐ By other than a small entity \$1,450.00

Extension fee for reply within fifth month:

☐ By a small entity (\$1.9(f)) \$ 985.00
☐ By other than a small entity \$1,970.00

☐ A check in the amount of \$_____ to cover the extension fee is enclosed.

☒ Charge \$110.00 to Deposit Account No. 06-1135.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This sheet is filed in triplicate.

May 12, 2003

Date



James P. Krueger

Registration No. 35,234

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